IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 10428 of 1999

Between:

S.Balamuni Reddy, s/o.Bushi Thimma Reddy,

Occ:Agriculturist, r/o.Chiyyapadu village,

Chapadu Mandal, Kadapa District.

..... PETITIONER

AND

1. The District Collector, Kadapa, Kadapa District.

2. The Revenue Divisional Officer,

Jammalamadugu, Kadapa District.

3. The Mandal Revenue Officer,

Chapadu Mandal, Kadapa District.

4. The Chennakesavaswamy vari Temple, rep.by its

Chairman, Chiyyapadu Village, Chapadu Mandal,

Kadapa District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Certiorari or any other appropriate Writ order or direction, call for the records leading upto the issuance of 4(1) notification in Ref.No.G3/1595/99, dated

21-4-1999 published in Vartha Daily Newspaper dt.29-4-1999 in proposing to acquire the land to an extent of Ac.5-11 cents in Sy.No.564/1 and 565 of Chiyyapadu Village, Chapadu Mandal, Kadapa District, as illegal, malafide and quash the same.

Counsel for the Petitioner:MR.M.SUBBA REDDY

Counsel for the Respondents : GP FOR REVENUE (LA)

The Court made the following :

ORDER :

The petitioner is a cultivating tenant of agriculture wet land admeasuring Acs.8-54 comprised in Survey Nos.564/1 and 565 of Chiyyapadu Village of Chapadu Mandal in Kadapa District. He impugns the notification dated 21-4-1999 issued under Section 4 (1) of the Land Acquisition Act,1894 (for brevity 'the Act') and published in Vartha Telugu Daily Newspaper on 29-4-1999 proposing to acquire an extent of Acs.5-11 of land in Survey Nos.564/1 and 565 of the said village for the purpose of providing house sites to the members belonging to weaker sections. The learned counsel for the petitioner raised three submissions. First, he would urge that the impugned notification was issued though there is no immediate public purpose to be accomplished or achieved. He contends that some time back the land belonging to Sri Ramalingeswara Swamy Temple of the same village was acquired for the purpose of providing house sites. Though the land was allotted to 124 persons, only forty (40) persons occupied the house sites and constructed houses and eighty four (84) other beneficiaries did not occupy the land. Secondly, he would urge that as a precursor to the impugned notification, a survey was conducted and a list of beneficiaries was prepared in which there are only thirty one (31) persons belonging to Back Classes, nine (9) persons belonging to Scheduled Caste and all other sixty four (64) persons belongs to Other Community, and therefore, they are not eligible for grant of house site pattas. Lastly, he would urge that the petitioner has been cultivating tenant for more than eighteen years and he has the right to purchase the

land in accordance with Section 82 (2) of Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act,1987 (for short 'the Endowments Act').

After giving anxious consideration to the submissions, this Court is not able to countenance with the submissions. The fact that only few persons who were allotted earlier occupied the plots is no ground to come to a conclusion that public purpose for providing house sites does not exist. Similarly, the list prepared as a precursor for acquiring the said land for public purpose is only provisional list and it is always open to the Mandal Revenue Officer and/or other Revenue authorities to verify the socio-economic particulars of the beneficiaries included in the list of persons. If any person does not satisfy the eligibility criteria of being landless and being poor, it is always open to the respondents to deny the house site pattas. As observed by the Hon'ble Supreme Court in **Chemeli Singh v. State of U.P.** and **Union of India v. Praveen Gupta** till the housing problem of weaker sections of the community is solved, there is always need for acquiring land for the said public purpose. Further, as held by this Court in **Janapareddy Venkateswara Rao v. District Collector, Eluru** these are matters which are in the realm of administrative decision and cannot be decided by this Court.

Insofar as the submission of the learned counsel with reference to the provisions of the Endowment Act is concerned, it is no doubt true that the petitioner has a right of pre-emption to buy the land after coming into force of Section 82 of the Endowments Act. If the petitioner claims as a landless person to be entitled for such benefit, he has to approach the Assistant Commissioner of Endowments by making an application under Rule 3 of Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003. The petitioner is at liberty to do so.

The writ petition is devoid of merits and accordingly dismissed with the above observations. No costs.

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(V.V.S. RAO, J.)

Dt.09-08-2004.

Msr.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Collector, Kadapa, Kadapa District.

2. The Revenue Divisional Officer,

Jammalamadugu, Kadapa District.

3. The Mandal Revenue Officer,

Chapadu Mandal, Kadapa District.

4. 2CCs to Government Pleader for Revenue(LA),

High Court of A.P., Hyderabad.

5. 2CD copies

HON'BLE SRI JUSTICE V.V.S. RAO

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(Msr)